

CITY OF
FREMONT
NEBRASKA PATHFINDERS

CITY COUNCIL MEETING MINUTES

March 26, 2019

CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NEBRASKA

REGULAR MEETING – 7:00 P.M.

PUBLIC COMMENT – 6:30 P.M.

REGULAR MEETING:

1. Meeting called to order. After the Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Yerger, Jensen, Jacobus, Kuhns, Bechtel and Legband present. 8 Council Members present.
3. Mayor comments
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

CONSENT AGENDA:

Moved by Council Member Jacobus seconded by Council Member McClain to approve items four through five, and seven through eight of the consent agenda. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Bechtel, Legband. Motion carried.

4. Motion to approve March 13, 2019 through March 26, 2019 claims and authorize checks to be drawn on the proper accounts
5. Dispense with and approve March 12, 2019 City Council Meeting Minutes
7. Motion to approve the discharge of fireworks for the Fremont Moo on the dates set forth
8. Resolution 2019-046 Fremont Area Alzheimer's Collaboration – Farmer's Market authorization for use of City parking lot and contract

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

6. Resolution 2019-044 considering the application for new liquor license manager of Nathan Maerk for Walmart Inc., dba Walmart #776, 3010 E. 23rd Avenue, Fremont, Nebraska. Council Member Kuhns moved, seconded by Council Member Jensen to approve Resolution 2019-044. Ayes: Legband, Jacobus, Jensen, Yerger, Kuhns, Ellis, McClain. Abstention: Bechtel. Motion carried.
9. Motion authorizing the City Clerk to sign Special Designated License Local Recommendation form for event by Taco Smack. Council Member Kuhns moved, seconded by Council Member Jacobus to authorize the City Clerk to sign Special Designated License Local Recommendation form for event by Taco Smack. Ayes: Legband, Jacobus, Jensen, Yerger, Kuhns, Ellis, McClain. Abstention: Bechtel. Motion carried.
10. Resolution 2019-048 authorizing staff to execute a purchase agreement with Anderson Auto Group of

Lincoln, Nebraska for three (3) 2020 Ford Police Interceptor Utility vehicles. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-048. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

UNFINISHED BUSINESS: requires individual associated action

11. Ordinance 5482 authorizing sale of an undivided one-half interest in Outlot A to Dodge County. Council Member Jacobus moved, seconded by Council Member Jensen to receive into the record a copy of the report titled "Investigation and Report on Tech Park Property Acquisition", and a copy of Warranty Deed recorded at 20110253 with the Dodge County Register of Deeds. Ayes: Legband, Jacobus, Jensen, Yerger, Bechtel, Kuhns, Ellis, McClain. Motion carried. Council Member Yerger moved, seconded by Council Member Ellis to end debate and continue the item into next month with the requisite requirement that we have a study session open to the public at the first available opportunity. Ayes: Jacobus, Yerger, Ellis. Nay: Legband, Jensen, Bechtel, Kuhns, McClain. Motion failed. Council Member Jensen moved, seconded by Council Member Legband to approve Ordinance 5482. Ayes: Legband, Jacobus, Jensen, Bechtel, Kuhns, McClain. Nays: Ellis, Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: Legband, Jacobus, Jensen, Bechtel, Kuhns, McClain. Nays: Ellis, Yerger. Ordinance 5482 approved.

NEW BUSINESS: requires individual associated action

12. Resolution 2019-043 affirming an emergency declaration due to a disastrous flood that occurred on Friday, March 15, 2019, authorizing emergency expenditures. Council Member Jensen moved, seconded by Council Member Yerger to approve Resolution 2019-043. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
13. Resolution 2019-045 appointing law firm and approve legal services agreement. Council Member Yerger moved, seconded by Council Member Legband to receive into the record a document titled "Legal Services Agreement". Ayes: Legband, Jacobus, Jensen, Yerger, Bechtel, Kuhns, Ellis, McClain. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to continue the item to the April 9, 2019 City Council Meeting. Ayes: Jacobus, Jensen, Yerger, Ellis. Nays: Legband, Bechtel, Kuhns, McClain, Getzschman. Motion failed. Council Member Kuhns made a motion to approve Resolution 2019-045 and appoint Adams & Sullivan PC as the City Attorney. Council Member Jacobus requested that Council Member Kuhns withdraw his motion to allow for discussion. Mayor Getzschman provided that discussion could continue with the motion being made since there is not a second. Council Member Jacobus made a motion to go into executive session to discuss the topic without harming the reputation of another. Mayor Getzschman provided that to go into executive session Council Member Kuhns would need to withdraw his motion to open the floor for another motion. Council Member Legband second the motion. Mayor Getzschman stated that there was a motion and a second on the floor to approve Resolution 2019-045 appointing law firm and approve legal services. Ayes: Legband, Bechtel, Kuhns, McClain, Getzschman. Nays: Jacobus, Jensen, Yerger, Ellis. Motion carried.
14. Resolution 2019-049 to require contractors to be registered and carry liability insurance. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-049. Ayes: Legband, Jacobus, Jensen, Yerger, Bechtel, Kuhns, Ellis, McClain. Motion carried.
15. Resolution 2019-047 accepting and awarding bid to Yong Construction Co. for the 2019 Pavement Rehab project. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-047. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried.
16. Executive Session to discuss threatened or potential litigation. Moved by Council Member McClain, seconded by Council Member Jensen to go into executive session for the purpose of discussing strategy session with regard to threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing strategy session


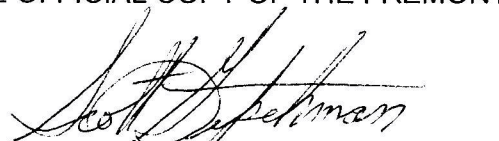
with regard to threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. There being none, the Mayor stated the pending motion was to go into executive session for the purpose of discussing strategy session with regard to threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Ellis, Jensen, Yerger, Legband, Kuhns, Bechtel. Nay: Jacobus. Motion carried. The Mayor stated that there was a motion to go into executive session for the purpose of discussing strategy session with regard to threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to a strategy session with regard to threatened or potential litigation. No official actions or votes will be taken during the executive session. Time in: 9:31 p.m.

Moved by Council Member Jacobus, seconded by Council Member Jensen to come out of executive session where no official actions or votes were taken. Ayes: McClain, Ellis, Jacobus, Jensen, Yerger, Legband, Kuhns, Bechtel. Motion carried. Time out: 9:39 p.m.

17. Adjournment. Moved by Council Member Jacobus seconded by Council Member Jensen to adjourn the meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Kuhns, Bechtel. Motion carried. Meeting adjourned at 9:40 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on March 22, 2019 and is open to the public; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 9TH DAY OF APRIL AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR MARCH 26, 2019.


Tyler Ficken, City Clerk
Scott Getzschman, Mayor